

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

STEWARD HEALTH CARE SYSTEM LLC,  
*Plaintiff,*

v.

SOUTHCOAST HEALTH SYSTEM, INC.,  
*Defendant.*

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

No. 1:15-cv-14188-MLW

**PLAINTIFF STEWARD HEALTH CARE SYSTEM LLC'S EMERGENCY MOTION  
TO STAY DISCOVERY AND/OR FOR A PROTECTIVE ORDER OR  
ORDER QUASHING A SUBPOENA**

Respectfully submitted,

STEWARD HEALTH CARE SYSTEM LLC

By its attorneys,

/s/ Daniel N. Marx

Daniel N. Marx (BBO#674523)

Kevin C. Conroy (BBO#644894)

Jeremy W. Meisinger (BBO#688283)

FOLEY HOAG LLP

155 Seaport Boulevard

Boston, MA 02210

Tel: (617) 832-1000

Fax: (617) 832-7000

dmarx@foleyhoag.com

Dated: February 26, 2016

Pursuant to Fed. R. Civ. P. 26(c) and (d) and Fed. R. Civ. P. 45(d), and based upon the Court's inherent authority to manage pretrial discovery, Plaintiff Steward Health Care System LLC moves the Court on an emergency basis for (1) an order to stay discovery in this matter pending resolution of the motion to dismiss by Defendant Southcoast Health System, Inc. (DE #7) (and if the Court denies the motion to dismiss, until after the filing and service of an answer by Defendant Southcoast Health System, Inc.), and/or (2) an order enjoining Defendant Southcoast Health System, Inc. from deposing Mr. John Polanowicz, an Executive Vice President of Plaintiff Steward Health Care System LLC, on March 1, 2016, either pursuant to the notice of deposition sent on February 18, 2016, or the subpoena for testimony and documents served on February 22, 2016.<sup>1</sup>

Respectfully submitted,

STEWARD HEALTH CARE SYSTEM LLC

By its attorneys,

/s/ Daniel N. Marx

Daniel N. Marx (BBO#674523)

Kevin C. Conroy (BBO#644894)

Jeremy W. Meisinger (BBO#688283)

FOLEY HOAG LLP

155 Seaport Boulevard

Boston, MA 02210

Tel: (617) 832-1000

Fax: (617) 832-7000

dmarx@foleyhoag.com

Dated: February 26, 2016

---

<sup>1</sup> Because Southcoast has both sent to Steward a notice of deposition for Mr. Polanowicz and also served on Mr. Polanowicz a subpoena for the same testimony, Steward seeks a protective order, pursuant to Fed. R. Civ. P. 26(c), and/or an order quashing the subpoena, pursuant to Fed. R. Civ. P. 45(d). Steward also seeks a stay of discovery, pending the resolution of the motion to dismiss by Southcoast, pursuant to Fed. R. Civ. P. 26(d).

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)**

I, Daniel N. Marx, as counsel for Plaintiff Steward Health Care System LLC, certify that on the 24th day of February, 2016, I conferred by telephone with Thomas O. Bean, as counsel for Defendant Southcoast Health System, Inc. regarding the foregoing motion, but the Parties were unable to resolve their differences and avoid the need for the filing of this motion.

/s/ Daniel N. Marx

Daniel N. Marx

*Counsel for Steward Health Care System LLC*

**CERTIFICATE OF SERVICE**

I, Jeremy W. Meisinger, certify that on this 26th day of February, 2016, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system.

/s/ Jeremy W. Meisinger

Jeremy W. Meisinger

*Counsel for Steward Health Care System LLC*